

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

IN RE:  
VERONICA JIGGETS SMITH  
Debtor

CASE No: 12-32624-KRH  
Chapter 13

CITIMORTGAGE, INC.  
Movant,  
v.  
VERONICA JIGGETS SMITH Debtor  
ERNEST E. SMITH Co-Debtor  
ROBERT E. HYMAN, Trustee,  
Respondents.

## MOTION FOR RELIEF FROM CO-DEBTOR STAY

**NOTICE TO CO-DEBTOR(s):** If you do not file a written response by the deadline shown, the law provides that the stay protecting you from further action against you by this creditor will automatically terminate [see 11 U.S.C. §1301 (d)].

COMES NOW your Movant, by counsel, and files this Motion for Relief from Co-Debtor Stay to terminate, annul, modify or condition the Co-Debtor Stay pursuant to 11 U.S.C. §1301, and in support thereof states the following:

1. This Court has proper jurisdiction over the matters herein alleged pursuant to 28 U.S.C. §1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. §157 and a contested matter under Rules of Bankruptcy procedure 4001 and 9014.

Filed by:  
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Counsel for Movant File No.: VA-96000291-12

2. On April 27, 2012, debtor filed a petition under Chapter 13 of the United States Bankruptcy Code.

3. Movant is a secured creditor of the Debtor by virtue of the fact that it holds a Note dated December 18, 2002, in the original principal amount of \$67,682.00.

4. Said Note is secured by Deed of Trust on property owned by the debtor, Veronica Jiggets Smith and Co-Debtor, Ernest E. Smith located at 502 Babcock Road, Highland Springs, Virginia, 23075 more specifically described as:

ALL that certain lot or parcel of land with improvements thereon, lying and being in Varina Magisterial District, Henrico County, Virginia and known, numbered and designated as Lot 7, Block A, Section 2, Plan of Tucker Acres, Section 2, made by LaPrade Bros., Civil Engineers and Surveyors, dated April 2, 1969, and recorded July 29, 1969, in Plat Book 42, page 3, Clerk's Office, Circuit Court of Henrico County, Virginia, to which reference is made for a more particular description.

BEING the same real estate conveyed to Ernest E. Smith and Veronica J. Smith, his wife, as tenants by the entirety with the right of survivorship as at common law, by Deed from Jacob A. Royal, Jr. and Linda G. Royal, dated October 16, 1985, in the Clerk's Office, Circuit Court, Henrico County, Virginia in DB 1976, Page 73.

5. Debtor and Co-Debtor have failed to make post-petition payments on the note and as of the date of filing is due for the (a) September 23, 2013 through November 23, 2013 post petition payments in the amount of \$635.08 per month; (b) less a suspense balance of \$108.28; (c) plus attorney fees and Court costs of \$650.00 and \$176.00 respectively.

6. Ernest E. Smith is a Co-Debtor of the foregoing debt by virtue of his signature on the Note or Deed of Trust or his ownership interest in said property.

7. Movant is being injured by its inability to proceed against the property securing the indebtedness due to the Co-Debtor stay provided for in 11 U.S.C. §1301.

WHEREFORE, these premises considered, Movant moves this Court to grant it full relief from the Co-Debtor Stay provisions of 11 U.S.C. §1301, or, if full relief cannot be had, to grant such other relief as may seem proper to the Court.

CitiMortgage, Inc.  
By Counsel

MORRIS | HARDWICK | SCHNEIDER, PLLC

By: /s/ Angela N. Watson, Esq.  
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Attorney for Movant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing Motion was transmitted to all parties listed on the ECF system and mailed first-class, postage prepaid this 6th day of January, 2014 to:

Veronica Jiggetts Smith  
502 Babcock Road  
Highland Springs, VA 23075  
Debtor

Ernest E. Smith  
502 Babcock Road  
Highland Springs, VA 23075  
Co-Debtor

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P.O. Box 4595  
Richmond, VA 23220  
Counsel for Debtors

Robert E. Hyman, Trustee  
P. O. Box 1780  
Richmond, VA 23218  
Chapter 13 Trustee

/s/ Angela N. Watson, Esq.  
Angela N. Watson